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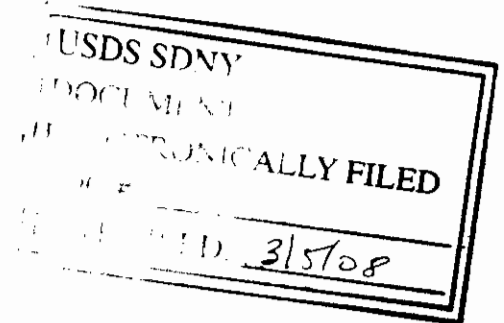
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*"The only foolish question is the one you don't ask."*

February 29, 2008

Hon. Richard J. Sullivan  
United States District Judge  
500 Pearl Street  
New York, New York 10007



Re: Rivera v New York City  
Docket No. 07CIV7847 (RJS)

Honorable Judge Sullivan:

In our conference before Your Honor on January 18, 2008 in this matter, the parties agreed that plaintiff should be granted leave to amend his complaint (to allege the proper parties, State parole employees and a court clerk, who we believe are responsible for the plaintiff's over-detention) to February 8, 2008. If we discovered that the clerk of the New York State Supreme Court (who did not note on the commitment that the sentences were to be concurrent) was a City employee, I would not be letting the City out of the case. If I found the clerk was a State employee, I would.

Several days later I learned that the State took over all the New York State courts in 1977, including all of the employees. I so informed Mr. Kunz, the Assistant Corporation Counsel handling this matter for the City, and we agreed that he would draft up discontinuance papers while I drafted up papers to amend the complaint so as to allege the proper parties. We agreed that the City would not need move to dismiss. I further needed to and did investigate to determine the identity of the clerk in question.

I regret that in the time that was available, on account of the needs of other clients, I was not able to draft the amendment of the complaint by February 8, or, in fact, until now.

I will have that amendment completed in a matter of days, but I'm certain that the clerk of this court will not accept it for filing at this time, unless I can also present a current order from Your Honor, granting an extension of plaintiff's time to amend the complaint. I therefore request that plaintiff's time to do so be extended to March 21, 2008, which will assure that there will be enough time to make and process the amendment.

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I will then take such steps as are required to file the amended complaint, and will seek waivers of service from the non-City defendants.

As soon as there is any appearance on behalf of those defendants, I will notify the Court, and request a scheduling conference, so that the actual litigation of this matter (or, more to the point, efforts to settle it) can begin. That is my plan on behalf of plaintiff.

Assistant Corporation Counsel Morgan Kunz has consented to this on behalf of the City today.

Thank you for your courtesy in this matter.

Respectfully submitted,

  
MICHAEL R. SCOLNICK

MRS/hs  
Enclosure(s)

cc: Morgan Kunz, Esq  
New York City Law Department  
New York City Law Department  
100 Church Street  
New York, NY 10007

*Plaintiff shall  
file his amended complaint  
by March 21, 2008.*

SO ORDERED  
Dated:

*3/4/08*

  
RICHARD J. SULLIVAN  
U.S.D.J.